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BEFORE THE CALIFORNIA COMMISSION

ON TEACHER CREDENTIALING

In the Matter of the Clear Single Subject Teaching Credential and Cross-Cultural, Language, and Academic Development Certificate Held By: **LORCAN KILROY** **8927 CEDROS AVENUE, #6** **PANORAMA CITY, CA 91402** **Respondent.**	Case No. 1-140504819 **ACCUSATION**

Mary Vixie Sandy, complainant herein, as cause for adverse action against respondent, alleges as follows:

COMPLAINANT'S AUTHORITY

1. Complainant is the Executive Director of the California Commission on Teacher Credentialing (Commission) and makes, executes, and files this Accusation in her official capacity. Pursuant to Education Code section 44000[1/] et seq., and California Code of Regulations, title 5, section 80000 et.seq., the Commission is responsible for the credentialing of public school teachers, including issuing credentials and taking adverse action[2/] against applicants and credential holders.

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[1] All section references are to the Education Code unless otherwise noted.

[2] Section 44000.5 defines "adverse action" as "the denial of an application for a credential, a private admonition, or public reproval of a credential holder, or the suspension or (continued...)

RESPONDENT'S CREDENTIALS

2. Lorcan Kilroy (respondent) holds the following:

a. A Clear Single Subject Teaching Credential, originally issued on December 12, 2004, and valid to January 1, 2015, or until revoked or suspended as provided by law;

b. A Cross-cultural, Language and Academic Development Certificate, originally issued on June 7, 2006, valid for life, or until revoked or suspended as provided by law.

RESPONDENT'S ACTS OF MISCONDUCT GIVING RISE TO CURRENT DISCIPLINE

3. Respondent was an art teacher at Van Nuys High School (School). On January 17, 2012, respondent sent letters to parents of students whom he believed were acting inappropriately in class. This January 17, 2012 letter, which was from "Mr. Kilroy, Art Department" and sent out on School letterhead, included language:

a. stating that the student's conduct was "dismal, pathetic, self-absorbed and destructive";

b. opining that the student's "senseless apathy" was a "malignant sore, a cancer on the energy and morale of the whole class";

c. cautioning parents, "[p]lease do not respond to this letter by staging a conference to come dribble and whine like many do about you or your kid's personal difficulties or your hard life. Or manipulate things with accusations about me";

d. threatening parents that "I will ask you to put on paper for the legal record any accusations you make up to defend yourself against facing your family problems. Be prepared to take legal responsibility for your actions";

e. warning parents that "[d]estroying educational privilege for others by destroying classroom environments is a criminal act";

(...continued)
revocation of a credential."

f. suggesting that the student in question was destroying other students' "opportunity for a better life here in this country"; and

g. threatening that unless the students in question stopped "breaking rules or disturbing the school environment, believe me; I will be working at having you removed."

4. In the January 17, 2012, letter, respondent also referred to "the removal management program for socially criminal students" and listed the following as grounds for "****POSSIBLE REMOVAL****" (emphasis in original):

a. "If your kid is over 18 or has a previous record an immediate request will be made to legally remove you from the school";

b. "An investigation will be made of your kid's records to the fullest extent of the law";

c. "Any other available legal steps possible will be taken to request that you are legally removed. This must be done in a legal and appropriate way and through the correct channels but if it works the end result will be your removal";

d. "If your kid in on Probation their probation officer will be getting a copy of this and the Juvenile court judge will be getting a copy."

5. The January 17, 2012, letter was signed "Sincerely, Mr. Kilroy" (with no handwritten signature), was copied to "all other teachers/counselors etc.", and was sent to multiple parents, including parents of students enrolled in School's special education programs.

6. On January 24, 2012, respondent met with Dr. Judith Vanderbok (School Principal), Mr. Ricardo Rosales (Assistant Principal), and Mark Watson (UTLA Chapter Chair) about parent complaints regarding the January 17, 2012, letter, The topics discussed during the January 24, 2012, conference were memorialized in a memorandum date January 25, 2012. After discussing the various topics in the January 17, 2012, letter as noted at Paragraphs 3 through 5, above, respondent indicated that he would respond to the allegations in writing; respondent later advised that he had already responded in some emails he had sent to the Principal before the meeting. Essentially, respondent responded to the allegations contained in the January 25, 2012, memorandum as follows:

a. that by "legal action," respondent meant that he would petition the principal for the expulsion of the offending student;

b. that Education Code subsection K says that disturbing the class can lead to expulsion. Respondent indicated that he believed there was a "grievous problem with disruption";

c. that respondent wrote the letter because of the high number of students with "U's" and low grades in his class, which he had discussed with one of the student deans;

d. that respondent felt "there is a gap" in expulsions being only for knives, and that there were no consequences for classroom disruptions; and

e. that respondent sent two letters to special education students, one of whom respondent had sent to the dean, only to return to class later in the period, which respondent did not believe was the correct course of action.

7. During the January 24, 2012, conference, the School Principal provided respondent with the following assistance and instructions:

a. that any letter that represents LAUSD and/or the School must be reviewed and approved by the School Principal;

b. that respondent must remain professional in his language with students and adults at all times;

c. that respondent may not impersonate a dean, administrator, or lawyer; respondent may not raise legal matters with parents or students without going through the General Counsel;

d. that respondent must take into account special education IEP needs and have sensitivity to cultural and racial issues, inasmuch as prejudice has no place in the public education system;

e. that respondent must follow the progressive discipline policy outlined by the School deans and may not make verbal or written threats to students or parents; instead, respondent was required to explain to students and parents the discipline procedure that the School follows;

f. that respondent must not purport to create his own disciplinary entity without authorization from LAUSD and the School; and

g. that respondent must not publicly humiliate any student by airing his/her problems to all teachers and counselors.

8. During the January 24, 2012, conference, the School Principal directed respondent to do the following:

a. to have any written communication by respondent to students and parents approved by the School Principal before it is sent or delivered to a student or his/her parents;

b. to read the "Board Resolution Reaffirming the Respectful Treatment of All Persons" (a copy of which was provided);

c. to read the "LAUSD Employee Ethics Policy" (a copy of which was provided);

d. to become familiar with the "California Standards for the Teaching Profession" (a copy of which was provided);

e. to read and follow the "School Discipline Policy" (a copy of which was provided);

f. to not create personal constructs and use them to threaten or intimidate students or parents; and

g. to not publicly embarrass students.

9. The January 25, 2012, memorandum memorializing the January 24, 2012, conference also stated that the School Principal "will continue to investigate this incident and reserve the right to address it with you again if I deem it necessary."

10. On or about March 12, 2012, respondent received two different documents from the District: a notice of unsatisfactory acts and a notice of suspension. The notice of unsatisfactory acts and notice of suspension (copies of both of which were provided to respondent) list seven identical causes for discipline, as follows:

a. poor judgment;

b. improper conduct;

c. failure to appropriately handle student behavior problems;

d. discourteous, abusive or threatening treatment of parents and students;

e. use of threatening words, gestures and allegations, with overtones of racism;

f. failure to follow School policy and procedure: i.e., Van Nuys HS Progressive Discipline Policy; and

g. conduct injurious to the public.

11. The notice of unsatisfactory acts and notice of suspension provided to respondent on March 12, 2012, also list eight identical charges against him, which included:

a. that "[o]n or about January 17, 2012, Lorcan Kilroy, Art teacher at Van Nuys High School sent letters to the parents of students who he judged were acting inappropriately in his classes, denigrated the student and the family by writing, 'Please do not respond to this letter by staging a conference to come dribble and whine like many do about you or your kid's personal difficulties or your hard life'";

b. that "[o]n or about January 17, 2012, Mr. Kilroy sent a letter that misrepresented LAUSD and/or Van Nuys High School using school letterhead";

c. that "[o]n or about January 17, 2012, Mr. Kilroy failed to remain professional in his language with students and adults";

d. that "[o]n or about January 17, 2012, Mr. Kilroy misrepresented himself as a dean, administrator, or lawyer";

e. that "[o]n or about January 17, 2012, Mr. Kilroy failed to take into account Special Education IEP needs and sensitivity to cultural and racial issues";

f. that "[o]n or about January 17, 2012, Mr. Kilroy failed to follow the progressive discipline policy at Van Nuys High School";

g. that "[o]n or about January 17, 2012, Mr. Kilroy created his own discipline entity without authorization from LAUSD and Van Nuys High School"; and

h. that "[o]n or about January 17, 2012, Mr. Kilroy publically humiliated a student by airing his/her problems to other teachers and counselors."

12. As a result of the notice of unsatisfactory acts and notice of suspension, on or about March 12, 2012, respondent was issued an 11-day suspension without pay by the Los Angeles

Unified School District (District) for his misconduct. Respondent appealed the suspension. On June 4, 2013, respondent's suspension was upheld by the District. Respondent served his suspension on various dates between August 13, 2013, and September 23, 2013. On September 10, 2013, the District reported this information to the Commission.

13. At some point in 2013, respondent published the January 17, 2012, letter on his own website, www.urbanschoolreform.com, and provided it to various news outlets (KRLA radio, NBC). He also agreed to be interviewed by various news sources about the January 17, 2012, letter that was the basis for his 11-day suspension.

RESPONDENT'S SUBSEQUENT ACTS OF MISCONDUCT AND CIRCUMSTANCES IN AGGRAVATION

14. After respondent received notification of an 11-day suspension on March 12, 2012, he continued to engage in similar misconduct during the Spring of 2012, including:

a. Respondent asked a student (JC) who was new to his class if JC was a special education student and if he had ever been in trouble with the law. Respondent's remarks made JC feel extremely self-conscious, uncomfortable, and uneasy in respondent's class; JC felt singled out because he had an IEP. This created a hostile environment for the student, who was new to the class and who gave respondent no cause to inquire into those issues. As a result, JC felt that he was under a cloud of suspicion, harassed, and that he had no chance to succeed in respondent's class. As further evidence of a hostile environment, respondent also ripped up JC's work in front of the class due to there being a mistake.

b. On April 13, 2012, respondent yelled at a female student and she began to cry. The female student returned to her seat. Respondent followed her to her seat and continued to scream at her. JC attempted to intervene and asked respondent to leave the student alone. Respondent yelled at JC not to butt in and to mind his own business. After class, respondent called JC's parents and screamed at them over the phone that JC was disrespectful and that if he did it again, he would be arrested. As a result of this interaction, JC was afraid to come to respondent's class for an extended period of time.

c. On a weekend (April 14-15, 2012), respondent called JC's parents multiple times on a cell phone, and did not speak on the phone or identify himself. JC's parents identified respondent's number on Caller ID. JC's parents believed this conduct was intimidating and harassing.

d. On or about April 18, 2012, when JC returned to respondent's class, respondent attempted to contact JC's father at work. Respondent screamed and yelled at the person who answered the phone, who was not JC's father, but his employer. As a result of respondent's actions, JC's father was sent home from work for one week without pay. Respondent's actions were not only unprofessional and unwarranted, they also breached the student's confidentiality and had an unnecessary negative financial impact on JC's family.

e. Respondent's conduct created a hostile environment that was not conducive to learning or the production of work. Students felt harassed and intimidated in respondent's class. They felt their best option was not to attend class.

15. On or about May 22, 2012, respondent met with the School Principal, Marc Strassner (Assistant Principal) and Mike Watson (UTLA representative) to discuss the allegations set forth in paragraph 14. The events that took place during the May 22, 2012, conference were memorialized in a conference memorandum of the same date, a copy of which was provided to respondent. During the conference, respondent stated the following:

a. respondent emphatically requested that everyone at the conference swear an oath so that statements could later be used in court;

b. respondent stated that JC called him a "faggot" and stormed out of class;

c. respondent stated that everyone was a "liar" and was retaliating against him;

d. respondent stated that he believed the District was retaliating against him;

e. respondent asked for a copy of all statements;

f. respondent stated that he was going to sue JC's family;

g. respondent stated that he would respond to the allegations regarding JC in writing; and

h. respondent asked that certain documents be attached to the conference memorandum.

16. During the May 22, 2012, conference, School Assistant Principal directed respondent as follows:

a. to "refrain from divulging confidential student information to anyone other than those entitled to it";

b. to "not verbally acknowledge a student's special needs publicly in front of other students";

c. to "not discriminate, treat different[ly], or wreak vengeance on any special education student";

d. to "[n]ot . . . retaliate against any student taking part in this investigation. Retaliation is considered worse than the actual allegation"; and

e. to "[r]efrain from making any further phone contact with [JC]'s family."

17. After the May 22, 2012, conference, the School Assistant Principal provided respondent with the following assistance and instructions:

a. respondent was provided with a copy of the "California Standards for the Teaching Profession" as made available by the Commission on Teacher Credentialing;

b. respondent was provided with a copy of the "Code of Ethics" circulated by the California Teacher's Association;

c. if respondent became upset and/or began losing control with a student, respondent was directed to remove the student from the situation or to call the dean's office for assistance and support; and

d. respondent was encouraged to participate in professional development dealing with classroom management, and he was provided with the date and time for such class.

18. Moreover, Respondent's communications with the Commission, which are available for review in the case file, exhibit the same type of hostility toward Commission staff as was previously exhibited towards students and parents, evidencing a high likelihood of recurrence.

GROUNDS FOR ACTION BY COMPLAINANT AND RELIEF SOUGHT

19. Respondent's conduct, as described in Paragraphs 3 through 18, as set forth herein, is related to his fitness to perform the duties authorized by his credentials. Pursuant to section 44421, the Commission shall privately admonish or publicly reprove a credential holder, or revoke or suspend his credentials, if the credential holder has engaged in immoral conduct, has engaged in unprofessional conduct, or has demonstrated evident unfitness for service.

20. Good cause exists for adverse action against respondent pursuant to section 44421 in that respondent has engaged in immoral conduct, has engaged in unprofessional conduct, and has demonstrated evident unfitness for service, as set forth in Paragraphs 3 through 17.

WHEREFORE, complainant prays for:

1. Revocation of respondent's following credentials:

   a. A Clear Single Subject Teaching Credential;

   b. A Cross-cultural, Language and Academic Development Certificate.

2. Denial of any credential applications that respondent submits before final action in this matter, or

3. Appropriate adverse action according to evidence.

Dated: 9/17/14

MARY VIXIE SANDY
Executive Director
California Commission on Teacher Credentialing
Complainant

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